

May 15, 2020

Mr. Henry Leskinen  
Eco-Science Professionals, Inc.  
P O Box 5006  
Glen Arm, Maryland 21057

Re: Greenleigh West  
Forest Conservation Variance  
Tracking # 06-20-3239

Dear Mr. Leskinen:

A request for a variance from the Baltimore County Code Article 33, Title 6 Forest Conservation was received by this Department of Environmental Protection and Sustainability (EPS) on April 23, 2020. This request proposes to remove ten specimen trees for the development of three flex-space industrial buildings and associated infrastructure. The site is currently forested and contains nontidal wetlands. There are 34 specimen trees on site. Three of the ten specimen trees proposed for removal are in poor condition; the remainder to be removed are in fairly good or good condition. The long narrow site is zoned BL on the eastern end, adjacent to Campbell Boulevard, and DR 3.5 on the western end abutting Bird River Road, with a small strip of DR 2 along the southern boundary. The middle of the property is 30 feet wide.

The Director of EPS may grant a special variance to the Forest Conservation Law in accordance with criteria outlined in Section 33-6-116(d)(1) of the Code. There are six (6) criteria listed in Subsection 33-6-116(d) and (e) that shall be used to evaluate the variance request. One (1) of the criteria under Subsection 33-6-116(d) must be met, and all three (3) of the criteria under Subsection 33-6-116(e) must be met, in order to approve the variance.

The first criterion (Subsection 33-6-116(d)(1) of the Code) requires the petitioner show the land in question cannot yield a reasonable return if the requirement from which the special variance is requested is imposed and will deprive the petitioner of beneficial use of his property. A reasonable return could be obtained with an less intense alternative development proposal and thus would not deprive the petitioner of beneficial use of his property. Therefore, we find that this criterion has not been met.

The second criterion (Subsection 33-6-116 (d)(2) of the Code) requires that the petitioner show that his/her plight is due to unique circumstances and not the general conditions of the neighborhood. The site contains 34 specimen trees spread throughout a narrow rectangular property with wetlands along the Campbell Boulevard road frontage. The applicant provided multiple designs and layouts, extended retaining walls, and have reduced impacts from the original design. The ten specimen trees will be removed because their location in conjunction with the site configuration and wetlands presents difficulties in developing the site. Therefore the circumstances here are unique and not related to the conditions of the neighborhood. Therefore, we find the second criterion has been met.

The third criterion (Subsection 33-6-116(d)(3) of the Code) requires that the petitioner show that the special variance requested will not alter the essential character of the neighborhood. The White Marsh Boulevard corridor is a mix of flex space industrial use, commercial use, and residential use. The proposal to remove ten specimen trees as part of the proposed development of the site will not change the character of the neighborhood. Therefore, we find that this criterion has been met.

The fourth criterion (Subsection 33-6-116(e)(1) of the Code) requires that the granting of the special variance will not adversely affect water quality. The new construction will meet all sediment and erosion control requirements during construction, and stormwater management will be provided. Some forest will be retained on site. Therefore, we find that granting of the special variance will not adversely affect water quality, and that this criterion has been met.

The fifth criterion (Subsection 33-6-116(e)(2) of the Code) requires that the special variance request does not arise from a condition or circumstance that is the result of actions taken by the petitioner. The petitioner has not removed the specimen trees or started construction. Therefore, this criterion has been met.

The sixth criterion (Subsection 33-6-116(e)(3) of the Code) requires that the Director of EPS find that the special variance, as granted, would be consistent with the spirit and intent of Article 33 of the Baltimore County Code. The proposal is to allow the development of three flex space buildings and associated parking, stormwater management, and access. Therefore, this criterion has been met.

Based on our review, this Department finds that all of the required criteria have been met. Therefore, the variance request is hereby approved, in accordance with Section 33-6-116 of the Baltimore County Code contingent with the following condition:

1. Add the following note to all plans for this project: "A Forest Conservation Special Variance was approved by the Baltimore County Department of

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Environmental Protection and Sustainability to allow the removal of ten specimen trees.”

It is the intent of this Department to approve this variance subject to the above condition. Any changes to site layout may require submittal of revised plans and an amended variance request.

If you have any questions regarding this correspondence, please call Ms. Regina Esslinger at (410) 887-3980.

Sincerely yours,

David V. Lykens  
Deputy Director

c: Marian Honeczy

DVL/rae